

# In the Supreme Court of the State of Alaska

**Donald Ime Macauley,**

Petitioner,

v.

**State of Alaska,**

Respondent.

Supreme Court No. **S-17630**

## **Opening Notice**

Appellate Rule 403(h)

Date of Notice: **11/14/19**

Court of Appeals No. **A-13159**

Trial Court Case No. **3AN-16-03294CR**

The court of appeals in *Donald Ime Macauley v. State of Alaska* found that it had no jurisdiction to determine whether the sentence imposed by the trial court was excessive and referred that issue to the supreme court for discretionary review under Appellate Rules 402 and 403 as provided by Appellate Rule 215(k). Court of Appeals Summary Disposition dated 10/30/19.

On or before **11/25/19**, counsel for petitioner shall advise the court and opposing counsel whether petitioner wishes to file a petition for review under Appellate Rules 402 and 403 or, in the alternative, whether petitioner wishes to rely on the arguments submitted in the briefing in the court of appeals. The respondent shall have 10 days from the date of service of petitioner's notice or petition to file a response, or to advise the court and opposing counsel that it is relying on its briefing in the court of appeals. If either party chooses to rely on the briefing in the court of appeals, six copies of that brief shall be submitted with the notice.

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Clerk of the Appellate Courts

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cc: Judge Motyka  
Trial Court Clerk

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Ryan Montgomery-Sythe,  
Chief Deputy Clerk

### Distribution:

Mail:

McGee, David T., Public Defender

de Lucia, Tamara Eve

*Macauley v. State*

Supreme Court No. S-17630

Notice of 11/14/2019

Page 2